

**FILED**  
DISTRICT COURT OF GUAM  
AUG - 1 2002  
MARY L. M. MORAN  
CLERK OF COURT

1 entry of judgment, the dollar equivalent of which exceeds Seventy-Five  
2 Thousand Dollars (\$75,000.00).

- 3 3. Plaintiff KAIOH SUISAN, at all times relevant herein, is a foreign  
4 corporation organized and existing under the laws of Japan.
- 5 4. Upon information and belief, Plaintiff KAIOH SUISAN alleges that  
6 Defendant GUAM YTK CORPORATION ("GUAM YTK") is a corporation  
7 organized, existing and doing business under the laws of Guam.
- 8 5. On or about March 10, 2001, Plaintiff and Defendant entered into an  
9 Agreement by which Defendant borrowed One Hundred Million  
10 Japanese Yen (¥100,000,000) from Plaintiff. A copy of the Agreement is  
11 attached and incorporated herein as Exhibit A.
- 12 6. The actual transfer of the funds to Defendant was accomplished by way  
13 of two wire transfers of Fifty Million Japanese Yen (¥50,000,000) through  
14 a corporate subsidiary of Plaintiff. Copies of the wire transfers are  
15 attached and incorporated herein as Exhibits B and C.
- 16 7. Pursuant to the terms of the Agreement, Defendant was required to  
17 repay the loan in installments of Five Million Japanese Yen (¥5,000,000)  
18 at the end of each month beginning with January of 2002.
- 19 8. The Agreement further provides that Defendant shall pay interest of two  
20 percent (2%) per annum from the date of the transfer of the funds, to be  
21 calculated and paid after the final payment of principal is due.  
22  
23  
24  
25

1 9. As of the end of July of 2002, Thirty-Five Million Japanese Yen  
2 (¥35,000,000) is due and payable and Defendant has failed and refused  
3 to pay any of this amount.

4 10. Additional installments will become due and payable prior to the entry of  
5 judgment, should Defendant fail and refuse to pay these.  
6

7 **REQUEST FOR RELIEF**

8 WHEREFORE, Plaintiff KAIOH SUISAN CO., LTD. respectfully requests this  
9 Court for Judgment against Defendant as follows:

- 10 1. For Thirty-Five Million Japanese Yen (¥35,000,000) plus any installments  
11 that shall become due and payable prior to the entry of judgment;  
12 2. In the alternative, for the dollar equivalent of each installment on the date  
13 that it became or becomes due and payable, pursuant to 13 GCA  
14 §3107(2);  
15 3. For interest at 2% per annum, should this become due and payable prior  
16 to the entry of judgment;  
17 4. For post-judgment interest;  
18 5. For costs of suit; and,  
19 6. For such other relief as the Court may deem just and proper.  
20

21 Respectfully submitted this 1<sup>st</sup> day of August, 2002.

22 **McKEOWN • VERNIER • PRICE • MAHER**  
23 Attorney for Plaintiff  
24 **KAIOH SUISAN CO., LTD.**

25 By: \_\_\_\_\_

  
**TERENCE E. TIMBLIN**

-3-

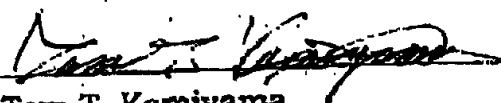
## AGREEMENT

Guam YTK Corporation, having principal office in Guam, U.S.A. (hereinafter "Guam YTK") and Kaioh Suisan Co., Ltd., having principal office in Tokyo, Japan (hereinafter "Kaioh") agreed as follows on 10th of March, 2001.

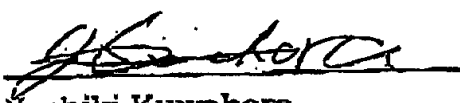
1. Kaioh financed JPY100,000,000- to Guam YTK relating to the new business of "Guam Kaioh Co., Ltd.", which is duly registered by Government of Guam on 20<sup>th</sup> of December, 2000, by the remittance of JPY50,000,000- on 5<sup>th</sup> of December, 2000 and JPY50,000,000- on 20<sup>th</sup> of January, 2001.
2. Guam YTK shall repay the above mentioned amount to Kaioh according to the schedule, which is JPY5,000,000- at the end of every month starting from ~~March, 2001~~ <sup>JANUARY, 2001</sup> until fulfillment of the whole amount. N.  
30
3. The interest rate shall be applied 2% per annum from the date of remittance and this shall be calculated and paid after completion of repayment of the finance.

Guam YTK Corporation

Kaioh Suisan Co., Ltd.

  
Tom T. Kamiyama  
President

March 10, 2001

  
Yoshiki Kuwahara  
Chairman

EXHIBIT

A

  
Shunsaku Yuasa  
President

PLEASE FILL IN BLOCKED SPACE ONLY.  
PLEASE MARK WITH O WHERE PERTINENT

DATE

12.12.01

SENDING DATE

12.12.01

PLEASE REQUEST YOU TO EXECUTE REMITTANCE IN ACCORDANCE WITH  
THE TERMS AND CONDITIONS OF FOREIGN REMITTANCE TRANSACTIONS.下記の通り「内閣府の通知」に基づき、外国為替及び外国貿易法第16条の2第1項第1号の  
規定に基づき、本申請書の提出を要するものと見做す。

ジャパン・ロシア水産株式会社

代表取締役 湯浅俊策

〒100-0001 東京都千代田区千代田 1-1-1

二重入票者名には記号を付し SIGNATURE OF APPLICANT

|          |                      |
|----------|----------------------|
| 1. 電信送金  | TELEGRAPHIC TRANSFER |
| 2. 郵便送金  | MAIL TRANSFER        |
| 3. 送金外送金 | REMITTANCE CHECK     |
| 4. 送金外送金 |                      |
| 5. 送金外送金 |                      |
| 6.       |                      |

|        |                    |
|--------|--------------------|
| 1. 通知金 | ADVISE AND PAY     |
| 2. 請求金 | PAY ON APPLICATION |

|        |                                   |
|--------|-----------------------------------|
| 1. 申請人 | PAYMENT COMM. FOR APPLICANT'S A/C |
| 2. 受益人 | PAYMENT COMM. FOR PAYEE'S A/C     |

| 送金金額 AMOUNT     | 送金方法  | 送金手数料 | 送金手数料 | 送金手数料 | 送金手数料 | 送金手数料 |
|-----------------|-------|-------|-------|-------|-------|-------|
| JPY 50,000,000- | 電信送金  |       |       |       |       |       |
|                 | 郵便送金  |       |       |       |       |       |
|                 | 送金外送金 |       |       |       |       |       |
|                 | 送金外送金 |       |       |       |       |       |
|                 | 送金外送金 |       |       |       |       |       |

|                 |       |       |       |       |       |       |
|-----------------|-------|-------|-------|-------|-------|-------|
| 送金金額            | 送金方法  | 送金手数料 | 送金手数料 | 送金手数料 | 送金手数料 | 送金手数料 |
| JPY 50,000,000- | 電信送金  |       |       |       |       |       |
|                 | 郵便送金  |       |       |       |       |       |
|                 | 送金外送金 |       |       |       |       |       |
|                 | 送金外送金 |       |       |       |       |       |
|                 | 送金外送金 |       |       |       |       |       |

APPLICANT (FULL NAME IN PRINT)

JAPAN RUSSIA MARINE PRODUCTS CO., LTD.

APPLICANT'S ADDRESS

東京都中央区入船2丁目3番7号カフビル3階

TEL. (日本標準時間) 03-5548-0888

APPLICANT'S REF NO

PAYEE (FULL NAME IN PRINT)

GUAM YTK CORPORATION

PAYEE'S ADDRESS

GUAM U.S.A.

PAYEE'S ACCOUNT NO

71820663

PURPOSE OF REMITTANCE

ADVANCE PAYMENT TUNA

ON BEHALF OF KAYOH SUISEN CO., LTD.

PAYING BANK (送金人) 送金を受ける銀行・支店名・住所・支店名を記入してください

UNION BANK OF CALIFORNIA

GUAM BRANCH

GUAM, U.S.A.

COUNTRY

GUAM

BANK

UNION BANK OF CALIFORNIA

GUAM BRANCH

GUAM, U.S.A.

COUNTRY

GUAM

BANK

UNION BANK OF CALIFORNIA

GUAM BRANCH

GUAM, U.S.A.

EXHIBIT

B

FROM ｼｾﾞﾝ ﾋﾞｼﾞﾈｽ

(TO THE ON-ON KANGYO BANK LTD.)

(APPLICATION FOR REMITTANCE AND DECLARATION)

PLEASE FILL IN BLOCKED SPACE ONLY.  
PLEASE MARK WITH O WHERE PERTINENT

REMIT DATE

12.12.27

SENDING DATE

12.12.27

I REQUEST YOU TO EXECUTE REMITTANCE IN ACCORDANCE WITH  
THE 1995 NEW CONDITIONS OF FOREIGN REMITTANCE INSTRUCTIONS下記の通り「内国法の適正な課税の確保を図るための国庫増収に努める」との趣旨に  
従って「申告書」を提出するものとします。ｼｾﾞﾝ ﾋﾞｼﾞﾈｽ 株式会社  
代表取締役 湯浅俊策12月12日 税務所  
ご依頼者名には記名 税務所

SIGNATURE OF APPLICANT

送金種類

|                                     |          |                      |
|-------------------------------------|----------|----------------------|
| <input checked="" type="checkbox"/> | 1. 電信送金  | TELEGRAPHIC TRANSFER |
| <input type="checkbox"/>            | 2. 郵便送金  | MAIL TRANSFER        |
| <input type="checkbox"/>            | 3. 現金小切手 | REMITTANCE CHECK     |
| <input type="checkbox"/>            | 4. 銀行振込  |                      |
| <input type="checkbox"/>            | 5. 銀行振込  |                      |
| <input type="checkbox"/>            | 6. 銀行振込  |                      |

支払方法

|                                     |         |                                   |
|-------------------------------------|---------|-----------------------------------|
| <input checked="" type="checkbox"/> | 1. 即時支払 | ADVANCE AND PAY                   |
| <input type="checkbox"/>            | 2. 請求書  | PAY ON APPLICATION                |
| <input type="checkbox"/>            | 3. 請求書  | PAYMENT COMM. FOR APPLICANT'S A/C |
| <input type="checkbox"/>            | 4. 請求書  | PAYMENT COMM. FOR PAYEE'S A/C     |

送金金額

送金金額 AMOUNT

JPY 50,000,000-

送金先

|     |     |     |
|-----|-----|-----|
| 送金先 | 送金先 | 送金先 |
| 送金先 | 送金先 | 送金先 |
| 送金先 | 送金先 | 送金先 |
| 送金先 | 送金先 | 送金先 |

送金先

送金先

1729655

送金先

送金先

送金先

送金先

送金先

送金先

送金先

送金先

送金先

送金先

送金先

送金先

送金先

送金先

送金先

送金先

送金先

送金先

送金先

送金先

送金先

送金先

送金先

送金先

送金先

送金先

送金先

送金先

送金先

送金先

送金先

送金先

送金先

送金先

送金先

送金先

送金先

送金先

送金先

送金先

送金先

送金先

送金先

送金先

送金先

送金先

送金先

送金先

送金先

送金先

送金先

送金先

送金先

送金先

送金先

送金先

送金先

送金先

送金先

送金先

送金先

送金先

送金先

送金先

JAPAN RUSSIA MARINE PRODUCTS CO., LTD.

東京中央区入船2丁目3番7号7カ77ビル3階

TEL. (日本) 03-5548-0888

GUAM YTK CORPORATION

GUAM YTK CORPORATION

GUAM YTK CORPORATION

GUAM YTK CORPORATION

GUAM YTK CORPORATION

GUAM YTK CORPORATION

GUAM YTK CORPORATION

GUAM YTK CORPORATION

GUAM YTK CORPORATION

GUAM YTK CORPORATION

GUAM YTK CORPORATION

GUAM YTK CORPORATION

GUAM YTK CORPORATION

GUAM YTK CORPORATION

GUAM YTK CORPORATION

GUAM YTK CORPORATION

GUAM YTK CORPORATION

GUAM YTK CORPORATION

GUAM YTK CORPORATION

GUAM YTK CORPORATION

GUAM YTK CORPORATION

GUAM YTK CORPORATION

GUAM YTK CORPORATION

GUAM YTK CORPORATION

GUAM YTK CORPORATION

GUAM YTK CORPORATION

GUAM YTK CORPORATION

GUAM YTK CORPORATION

GUAM YTK CORPORATION

GUAM YTK CORPORATION

GUAM YTK CORPORATION

GUAM YTK CORPORATION

GUAM YTK CORPORATION

GUAM YTK CORPORATION

GUAM YTK CORPORATION

GUAM YTK CORPORATION

GUAM YTK CORPORATION

GUAM YTK CORPORATION

GUAM YTK CORPORATION

GUAM YTK CORPORATION

GUAM YTK CORPORATION

GUAM YTK CORPORATION

GUAM YTK CORPORATION

GUAM YTK CORPORATION

GUAM YTK CORPORATION

GUAM YTK CORPORATION

ON BEHALF OF KAIOH SUISSAN CO., LTD.

ON BEHALF OF KAIOH SUISSAN CO., LTD.

ON BEHALF OF KAIOH SUISSAN CO., LTD.

ON BEHALF OF KAIOH SUISSAN CO., LTD.

ON BEHALF OF KAIOH SUISSAN CO., LTD.

ON BEHALF OF KAIOH SUISSAN CO., LTD.

ON BEHALF OF KAIOH SUISSAN CO., LTD.

ON BEHALF OF KAIOH SUISSAN CO., LTD.

ON BEHALF OF KAIOH SUISSAN CO., LTD.

ON BEHALF OF KAIOH SUISSAN CO., LTD.

ON BEHALF OF KAIOH SUISSAN CO., LTD.

ON BEHALF OF KAIOH SUISSAN CO., LTD.

ON BEHALF OF KAIOH SUISSAN CO., LTD.

ON BEHALF OF KAIOH SUISSAN CO., LTD.

ON BEHALF OF KAIOH SUISSAN CO., LTD.

ON BEHALF OF KAIOH SUISSAN CO., LTD.

ON BEHALF OF KAIOH SUISSAN CO., LTD.

ON BEHALF OF KAIOH SUISSAN CO., LTD.

ON BEHALF OF KAIOH SUISSAN CO., LTD.

ON BEHALF OF KAIOH SUISSAN CO., LTD.

ON BEHALF OF KAIOH SUISSAN CO., LTD.

ON BEHALF OF KAIOH SUISSAN CO., LTD.

ON BEHALF OF KAIOH SUISSAN CO., LTD.

ON BEHALF OF KAIOH SUISSAN CO., LTD.

ON BEHALF OF KAIOH SUISSAN CO., LTD.

ON BEHALF OF KAIOH SUISSAN CO., LTD.

ON BEHALF OF KAIOH SUISSAN CO., LTD.

ON BEHALF OF KAIOH SUISSAN CO., LTD.

ON BEHALF OF KAIOH SUISSAN CO., LTD.

ON BEHALF OF KAIOH SUISSAN CO., LTD.

EXHIBIT

C

# United States District Court

DISTRICT OF

Kaioh Suisan Co., Ltd.

## SUMMONS IN A CIVIL CASE

V.

CASE NUMBER: 02-00021

Guam YTK Corporation

TO: (Name and address of defendant)

Guam YTK Corporation  
Hotel Wharf, Piti, Guam

ACKNOWLEDGED RECEIPT

By: AA

Date: 08-01-02

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Terence E. Timblin  
McKeown Vernier Price Maher  
115 Hesler Place  
Ground Floor, Governor Joseph Flores Bldg.  
Hagatna, Guam 96910

an answer to the complaint which is herewith served upon you, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Mary L. M. Moran

CLERK

AUG - 1 2002

DATE

/s/ Leilani R. Toves Hernandez

(BY) DEPUTY CLERK